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Public Notice

Public Notice No. **PM-P 03-02**

Beginning Date: **July 31, 2003**
Closing Date**: August 31, 0203**

Please Address Comments To:	Nashville District Corps of Engineers P.O. Box 1070 (PM-P) 110 Ninth Avenue South, Room 449A Nashville, TN 37202-1070 Contact: Ms. Joy Broach Phone: 615-736-7956	NEPA Administration Tennessee Valley Authority 400 West Summit Hill Drive Knoxville, TN 37902 Contact: Mr. Harold Draper Phone: 865-632-6889	**OR**	Tennessee Division of Water Pollution Control Natural Resources Section 401 Church Street; 7TH Floor L & C Annex Nashville, TN 37134-0343 Contact: Mr. Dan Eagar Phone: 615-532-0708

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS
TENNESSEE VALLEY AUTHORITY
AND
STATE OF TENNESSEE

SUBJECT: Proposed 2003 Experiment to relocate mussels between Tennessee Rivers Mile (TRM) 194.0, (35° 12′ 24″N; 88° 18′ 42″W) and 195.0 (35° 11′ 32″N; 88° 18′ 33″W) approximately 100 feet off shore along the Left Descending Bank, Hardin County, Tennessee.

TO ALL CONCERNED: In compliance with Section 404 of the Clean Water Act (CWA) PL 92-500, notice is hereby given that the Nashville District Corps of Engineers and the Tennessee Valley Authority propose to discharge dredged material into waters of the United States as described below. Before the work can be performed, Water Quality Certification (Aquatic Resource Alteration Permit) must be obtained from the State of Tennessee, Department of Environment and Conservation, Division of Water Pollution Control, Natural Resources Section, pursuant to Section 401(a)(1) of the CWA, documenting that applicable water quality standards would not be violated. By copy of this notice, the Corps of Engineers and the Tennessee Valley Authority hereby apply for the required water quality certification.

APPLICANT:

U.S. Army Corps of Engineers
Nashville District
P.O. Box 1070 (PM-P)
Nashville, TN 37202-1070
Contact: Joy Broach (615-736-7956)

WATERSHED AND LOCATION: The proposed 2003 experiment would be conducted within the Upper Kentucky Reservoir Watershed (U.S. Geological Survey Hydrologic Unit Code 06040001). The general project location (Figure 1.) and proposed experimental site (Figure 2.) can be located on a USGS 7.5 Minute Series Quadrangle named

Pittsburg Landing, 13 NE. The proposed experimental site would be located just upstream of Crump, Tennessee, between TRM 194.0 and 195.0, about 100 feet off shore in open water, on the Left Descending Bank. This river segment averages 800 feet wide, and flow is regulated by Pickwick Lock and Dam (TRM 206.7). The river substrate consists of cobble, gravel, and sand. This river segment is currently permitted for commercial sand and gravel extraction and mussel harvesting. According to the 2002 Tennessee 305(b) report, this river segment supports all designated uses (Domestic water supply, Industrial Water Supply, Fish & Aquatic Life, Recreation, Irrigation, Livestock Watering & Wildlife, and Navigation.

PURPOSE AND DESCRIPTION: The purpose of this 2003 experiment would be to determine if this experimental mussel relocate method could be used to move large mussel beds prior to unavoidable maintenance dredging. The Proposed Action Alternative would use dredging equipment (clamshell dredge bucket and dump scow) and modified dredging techniques to move approximately 100 cubic yards of coarse sand and gravel containing resident mussels. This volume would be one-tenth of the river substrate volume disturbed during the 2002 experiment (1,000 cubic yards). The proposed activities would occur in close proximity to existing test dredge and disposal sites located within the proposed experimental site. The concept of this experimental removal method would be analogous to sod cutting operations. Two dredge bucket treatments would be used. Treatment 1 would involve dredging approximately the top one-foot of river substrate. Treatment 2 would involve dredging the top 3-feet of river substrate. For both treatments, material would be placed in one layer, to fill the bottom of a dump scow. The dredged material would be maintained in a wet condition. The dredged material would be disposed in a thin layer at the test disposal site so as not to bury mussels. Divers would collect information on mussel survival, damage, and condition at both, the test dredged and disposal sites.

Experimental protocols were used to implement the 2002 experiment. During a 2002 review, data gaps and Quality Assurance/Quality Control concerns were identified. As a result, the experimental protocols for the 2003 experiment have been redesigned and reviewed by the Tennessee Wildlife Resources Agency, Tennessee Department of Environment and Conservation, U.S. Fish and Wildlife Service, U.S. Geological Survey, Tennessee Valley Authority, and the Corps to capture missing information and to minimize impacts to the mussels.

Populations of freshwater mussels are known to inhabit the proposed experimental site. During the 2002 experiment, four Pink muckets (*Lampsilis abrupta*) and one Fanshell (*Cyprogenia stegaria*) were collected. The individuals were unharmed and handed over to the Tennessee Wildlife Resources Agency for further care. The Take was not exceeded (five Pink muckets and one Fanshell) and the 2002 experiment remained within the parameters outlined in the 2002

Biological Opinion dated September 9, 2002 that concluded that the 2002 experiment was not likely to jeopardize the continued existence of federally listed species nor destroy or adversely modify any critical habitat.

The surface area and volume of river substrate affected by the 2003 experiment has been considerably reduced, therefore it would be expected that encounters with listed species would also be reduced. The redesigned protocols would be expected to insure that the proposed 2003 experiment would not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Given the small scope of the 2003 experiment, and redesigned protocols, it would be anticipated that the Biological Opinion, Take, and findings for the 2003 experiment would be equivalent to documents issued for the 2002 experiment. The 2003 experiment has been coordinated through consultation with the U.S. Fish and Wildlife Service. Other federal, state and local approvals that may be required would include a Tennessee Valley Authority (TVA) Section 26a permit.

A copy of this Public Notice has been sent to the Tennessee State Historic Preservation Officer (SHPO). Evaluation of the proposed experimental site for the 2002 experiment revealed that no properties listed in or eligible for the National Register were known, that could be affected by the 2002 experiment. It would therefore be anticipated that the same findings would apply to the 2003 experiment that would be conducted within the same proposed experimental site. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by the 2003 experiment, or that adequately documents that a potential exists for the location of significant sites or properties within the proposed experimental site.

The No Action Alternative was also considered. This alternative would result in no federal action at this time. The 2003 experiment would not be conducted to assess the viability of using this experimental method as a means to move large numbers of mussels and their habitat in a timely, efficient, holistic (the whole community) way prior to unavoidable maintenance dredging.

PUBLIC PARTICIPATION: This notice serves to solicit comments, from the public; federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the 2003 experiment. Any comments received by us would be considered to determine whether to perform the 2003 experiment. Comments would be used to assess impacts to endangered species, historic properties, water quality, water supply and conservation, economics, aesthetics, wetlands, flood hazards, floodplain values, land use, navigation, shore erosion and

accretion, recreation, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, general environmental effects, and in general, the needs and welfare of the people. Comments would also be used to determine the overall public interest of the proposed activity. The proposed experiment would be performed if the District Engineer determines that it would be in the public interest. In addition to consideration of other factors of the public interest, the review process would include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404 (b)(1) of the Clean Water Act (40 CFR Part 230).

PUBLIC COMMENTS:

A 2003 Environmental Assessment (EA) and unsigned Finding Of No Significant Impact (FONSI), including Statement of Findings for this work, have been completed. Agencies and public responses received regarding the 2002 experiment have been incorporated. Additional comments received during this current Public Notice comment period would also be incorporated. This Public Notice serves as Notice of Availability of the 2003 EA and unsigned FONSI. A copy of the District Engineer's preliminary 404 (b)(1) evaluation will also be available for review and comment. Copies of these documents are available on request by contacting Joy Broach (615-736-7956) at the Corps of Engineers.

Persons wishing to review, comment on, or object to, this application should submit comments or requests, in writing, to either the Tennessee Department of Environment and Conservation, Division of Water Pollution Control, or Corps of Engineers at the addresses listed on the first page of this Public Notice. The public notice number, applicant name, and coordinator would be referenced. Written requests for a public hearing must also be filed within the comment period and must indicate the interest of the person requesting it, and the reason a hearing would be warranted.

Written statements must be received within the thirty-day comment period but no later than **August 31, 2003**. Written comments would become part of the record and would be considered in the determination.

Figure 1. Vicinity Map. Location of Experimental Site near Crump, Tennessee.

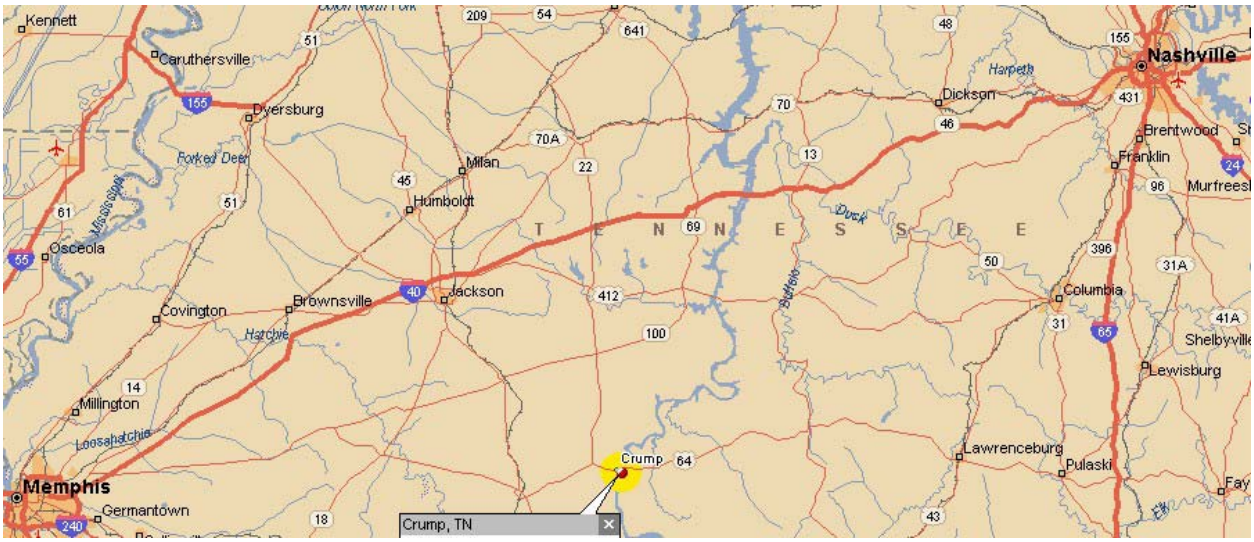

Figure 2. Experimental Site Location just upstream Crump, TN, between Tennessee River Miles 195.0 and 194.0, on the Left Descending Bank. Water depth would be variable depending on pool height and scow displacement.

USGS Topographic 7.5-Minute Series Map: 13 NE
Pittsburg Landing, TENN, 1972